

REMARKS

The present amendment is submitted in response to the Office Action dated July 8, 2003, which set a three-month period for response. Filed herewith is a Request for a Three-Month Extension of Time, making this amendment due by January 8, 2004.

Claims 11-20 are pending in this application.

In the Office Action, the claims submitted in the Simultaneous Amendment filed November 13, 2001 were renumbered as claims 11-20. Claims 11, 12, 15, 16, and 19 were rejected under 35 U.S.C. 102(b) as being anticipated by FR 2710600-A1 to Christian et al. Claims 13 and 14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Christian et al.

The Applicant notes with appreciation the indicated allowability of claims 17, 18, and 20, if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

In this amendment, the specification was amended to add or change sectional headings and to delete reference to the claims.

To more clearly define the present invention over the cited references, claim 11 was amended to add the limitations of claim 12, 15, 16, and the feature of claim 18, which defines that the wiper arm is formed as a flat-bar wiper blade.

The Applicant respectfully submits that amended claim 11 defines a patentably distinct set of features neither shown nor suggested by the cited references.

The Applicant respectfully submits further that the interpretation of claim 12 in light of the Christian reference provided in the Office Action is not correct. According to claim 12, the cover trim 34 is formed onto a column 40 of the vehicle body adjoined by the vehicle window. This means that the cover trim is a component of the A-pillar of the vehicle, as shown in Figs. 2 and 4.

Figure 1 of the Christian reference provides no detailed representation in this regard, however, the section in the Christian figures corresponding to Line II-II in Fig. 1, which is shown in Fig. 1, shows that the covering 4 is a separate plastic part, which is screwed onto the pillar. Therefore, it cannot be concluded that the feature of claim 12 is disclosed by this reference.

In addition, the Applicant respectfully submits that the features of claims 15 and 16 also are not shown in the Christian reference. Figure 1 clearly shows that the wiper blade 9 has a traditional support bracket system and does not have any seal on its side remote from the vehicle window. The wiper blade is raised in the park position (Fig. 2) by a ramp 151 from the window 2, so that between the vehicle window 2 and the wiper lip 10, a column exists. By means of the bracket construction and the lift mechanism, which requires a sufficient play between the glass window and the cover, one cannot then conclude that the column between the cover part of the vehicle window is largely covered. In each case, a seal is not provided on the upper side of the wiper blade.

As indicated in the Office Action, claim 18 has been indicated as allowable, so that inclusion of the feature of the wiper blade being formed as a

flat-bar wiper blade renders amended claim 11 as patentable over the references.

The cover trim formed on the pillar of the vehicle body is a very cost-effective solution with a minimal material expenditure, a flat structure, and minimal weight, whereby the cover trim contributes to the stability of the pillar. In addition, the form of the cove trim is harmonically incorporated into the design of the pillar. Further, by means of the feature that the wiper blade is a flat-bar blade and has a seal on the side remote from the vehicle window, and which, in the parked position, adjoins the cover trim achieves the result that the intermediate space between the cover trim and the windshield is only very narrow and is largely covered by the wiper blade in the parked position. Not only is a good structure provided for wind-resistance, but also the optics of the A-pillar are not affected detrimentally.

Because the Christian reference fails to disclose or suggest the features of amended claim 11, and because, in particular, amended claim 11 includes a feature of claim 18 that has been indicated as allowable, claim 11 is allowable over the cited reference. To support a rejection under Section 102, it a prior art reference must disclose every limitation of the claim. Absence from the reference of any claimed element negates anticipation. *Row v. Dror*, 42 USPQ 2d 1550, 1553 (Fed. Cir. 1997) (quoting *Kloster Speedsteel AB v. Crucible, Inc.*, 230 USPQ 81, 84 (Fed. Cir. 1986)).

Furthermore, the present invention is not made obvious by the Christian reference when the reference fails to suggest or disclose the features of

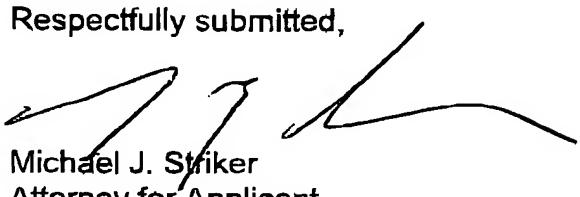
amended claim 11 as discussed above. The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. *In re Fritch*, 23 USPQ 2d 1780, 1783-84 (Fed. Cir. 1992).

For the reasons set forth above, the Applicant respectfully submits that claims 11, 13-14, and 17-20 are patentable over the cited reference to Christian. The Applicant further requests withdrawal of the rejections under 35 U.S.C. 102 and 103 and reconsideration of the claims as herein amended.

In light of the foregoing arguments in support of patentability, the Applicant respectfully submits that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



Michael J. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700

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DEC 24 2003
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